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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,946	04/12/2005	Hiroshi Ueno	F-8604	7556
28107	7590	10/24/2006		
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				
			EXAMINER HANNON, THOMAS R	
			ART UNIT 3682	PAPER NUMBER

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/526,946

Applicant(s)

UENO ET AL.

Examiner

Thomas R. Hannon

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3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,6-8,11,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 2-5,9,10,12,15 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/8/05</u> . | 6) <input type="checkbox"/> Other: ____. |

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The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sensor (claim 9), the lubricant supply unit body attached to an outer circumferential face of the inner ring (claim 11), the lubricant storing tank detachably attached to an outer face of the seal ring (claim 14), and the controlling means (claim 15), each must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is unclear and confusing in line 2 by describing “said raceway member is a bearing”, as no singular raceway member has previously been defined, nor is it understood how a single raceway member can comprise the structure that follows. Claim 11 also lacks a proper antecedent for “said lubricant storing tank” as this limitation does not appear in either claim 7 or claim 1.

Claim 13 is indefinite as the scope of the relative term “miniature” cannot be determined. In addition, claim 13 is improper as it fails to properly limit the previous claim. A dependent claim includes all the limitations of the claim from which it depends and must further define structure of a previous claim. Claim 13 improperly disclaims the piezoelectric element of claim 12.

Claim 14 sets forth “said lubricant storing is detachably attached to an outer face of said seal ring”. Claim 11, from which claim 14 depends, includes this lubricant storing tank as part of the lubricant supply unit body. Claim 1 requires the “lubricant supply unit body... is disposed between opposed faces of said raceway members”. Claim 14 appears to contradict such a limitation, as the lubricant supply unit body attached to an outer face of a seal ring would not be disposed between opposed faces of the raceway members.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Rohrer et al. US 4,915,515.

Rohrer discloses a bearing device comprising a plurality of raceway members (14,18) which perform relative motion, wherein a lubricant supply unit body which supplies lubricant is disposed between opposed faces of the raceway member, and the lubricant supply unit body comprises a pump (grooves 29 e.g.) which discharges the lubricant, and a driving portion (rotation of the balls, which drives the cage) which drives the pump. With respect to claims 6-8, the bearing of Rohrer is a rolling bearing in which the plurality of raceway members are an inner ring and an outer ring, and which comprises a plurality of rolling elements between the rings, the lubricant storing tank comprising the area between the races and seals.

Claims 1 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gallant US 5,312,191.

Gallant discloses a bearing device comprising a plurality of raceway members (17, 13) which perform relative motion, wherein a lubricant supply unit body which supplies lubricant is disposed between opposed faces of the raceway member, and the lubricant supply unit body comprises a pump (impellers 39 on walls 33 e.g.) which discharges the lubricant, and a driving portion (rotation of the balls, which drives the cage) which drives the pump. With respect to claims 6-8, the bearing of Rohrer is a rolling bearing in which the plurality of raceway members

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are an inner ring and an outer ring, and which comprises a plurality of rolling elements between the rings, the lubricant storing tank corresponding to the liquid lubricant annulus (col. 4, ln. 2).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Claims 2-5, 9, 10, 12, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11, 13, and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Hannon whose telephone number is (571) 272-7104. The examiner can normally be reached on Monday-Thursday (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas R. Hannon
Primary Examiner
Art Unit 3682

trh